

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 9037 – SB 9035**

October 27, 2021

**SUMMARY OF BILL:** Creates the *COVID-19 Patients' Rights Act* (Act).

Prohibits a healthcare practitioner from restricting the administration of a monoclonal antibody or other treatment, whether approved by the federal Food and Drug Administration or not, to a patient for the treatment of COVID-19 or subsequent diagnosis resulting from a COVID-19 infection if a written request is made by the patient or the patient's advocate if the patient is incapacitated.

Prohibits a healthcare practitioner or hospital from restricting the transfer or release from care of a patient to another healthcare practitioner or hospital for the purpose of administration of a monoclonal antibody or other treatment if a request is made in writing by the patient or the patient's advocate. Requires the healthcare practitioner or hospital to transfer or release the patient from care within 24 hours of receiving the request.

Prohibits a hospital from restricting a patient from having at least one patient advocate, selected solely by the patient, present with the patient at all times during the patient's hospital stay for the purpose of advising about the rights under the Act and making decisions on the patient's behalf, as long as the patient advocate has tested negative for COVID-19 and is not exhibiting symptoms of another virus or communicable disease.

Requires the hospital, if the patient is able to make medical decisions and agrees in writing, or if the patient is incapacitated, to: (1) provide the full medical record of the patient in possession of the hospital to the patient advocate within two hours of a written request by the patient advocate; (2) provide updates to the patient advocate within two hours of a change in the condition of the patient, and; (3) update the patient advocate as to the patient's condition at least once every 24 hours.

Stipulates legal liabilities, causes for action, remedies, and consequences for the actions or inactions of the various parties involved in the scenarios described in the Act.

Requires hospitals to post notice in a prominent location in the lobby and in each patient room of the patients' rights afforded under this Act.

## **ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

### Assumptions:

- Based on information provided by the Department of Health, the proposed legislation will not create any additional costs to the department.
- Any additional workload on the court system resulting from the proposed legislation will be accommodated utilizing existing resources.
- Any fiscal impact to state or local governments is estimated to be not significant.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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